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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,714	04/27/2001	Neal R. Butler	L0501/7033	9562

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EXAMINER

GAGLIARDI, ALBERT J

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/844,714

BUTLER, NEAL R.

Examiner

Albert J. Gagliardi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Comment on Submissions

1. The preliminary Amendment filed 7 May 2002 has been entered as Amendment A.

Information Disclosure Statement

2. The information disclosure statement filed 7 May 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

There is no concise explanation of the relevance of French Patent No. 2 554 999 A1.

3. Where the IDS citations are submitted but not described, the examiner is only responsible for cursorily reviewing the references. The initials of the examiner on the PTO-1449 indicate only that degree of review unless the reference is either applied against the claims, or discussed by the examiner as pertinent art of interest, in a subsequent office action. See Guidelines for Reexamination of Cases in View of *In re Portola Packaging, Inc.*, 110 F.3d 786, 42 USPQ2d 1295 (Fed. Cir. 1997), 64 FR at 15347, 1223 Off. Gaz. Pat. Office at 125 (response to comment 6). Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner placed adjacent to the citations on the PTO-1449 or PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above. MPEP § 609 (Eighth Edition, August 2001).

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The examiner notes that due to the unusually large number of references cited, and the absence of any description of the relevance of the references, it should be assumed that only the most cursory review of the cited documents consistent with these guidelines has been performed. If applicant is aware of any information that might be of particular relevance, it should be pointed out in order to insure a higher degree consideration.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Parrish *et al.* (US 5,756,999).

Regarding claim 1, Parrish discloses (**Figs. 25-28**) a method of compensating a radiation sensor for changes in at least one operational characteristic of the sensor due to a temperature variation of the sensor (abstract) comprising: dynamically adjusting at least one of at least one operating parameter (36 -- DC bias voltage, for example)) associated with the radiation sensor (3) and at least one calibration parameter (29, 30 -- gain and offset, for example) associated with the radiation sensor based on the temperature of the sensor (col. 15, lines 15-43).

Regarding claim 2, *Parrish* discloses that the at least one operational characteristic of the sensor that changes due to temperature variation of the sensor includes a resistance of the sensor (col. 3, lines 26-30).

Regarding claim 3, *Parrish* discloses that the at least one operating parameter associated with the sensor includes DC bias voltage (36) applied to the sensor (3).

Regarding claim 4, *Parrish* discloses that the sensor includes a plurality of radiation detectors (abstract, see also Figs 36-39), and wherein the at least one calibration parameter associated with the sensor includes at least one of at least an offset error value (30) for each radiation detector and a gain value (29) for each radiation detector (3).

Regarding claim 5, *Parrish* discloses that the at least one operational characteristic of the sensor that changes due to temperature variation of the sensor includes a resistance of the sensor (col. 3, lines 26-30).

Regarding claim 6, *Parrish* discloses (Figs. 25-28; 40) an apparatus comprising a controller (inherent; see generally Figs 14, 40 and 44) to compensate a radiation sensor for changes in at least one operational characteristic of the sensor due to a temperature variation of the sensor (abstract), the controller dynamically adjusting at least one of at least one operating parameter (36 -- DC bias voltage, for example) associated with the radiation sensor (3) and at least one calibration parameter (29, 30 -- gain and offset, for example) associated with the radiation sensor based on the temperature of the sensor (col. 15, lines 15-43).

Regarding claim 7, *Parrish* discloses that the at least one operational characteristic of the sensor that changes due to temperature variation of the sensor includes a resistance of the sensor (col. 3, lines 26-30).

Regarding claim 8, *Parrish* discloses that the at least one operating parameter associated with the sensor includes DC bias voltage (36) applied to the sensor (3).

Regarding claim 9, *Parrish* discloses that the sensor includes a plurality of radiation detectors (abstract, see also Figs 36-39), and wherein the at least one calibration parameter associated with the sensor includes at least one of at least an offset error value (30) for each radiation detector and a gain value (29) for each radiation detector (3).

Regarding claim 10, *Parrish* discloses that the at least one operational characteristic of the sensor that changes due to temperature variation of the sensor includes a resistance of the sensor (col. 3, lines 26-30).

Regarding claim 11, *Parrish* discloses (**Figs. 25-28**) a method of compensating a radiation sensor for changes in at least one operational characteristic of the sensor due to a temperature variation of the sensor (abstract) comprising: dynamically adjusting at least one operating parameter (36 -- DC bias voltage, for example) associated with the radiation sensor (3) or at least one calibration parameter (29, 30 -- gain and offset, for example) associated with the radiation sensor based on the temperature of the sensor (col. 15, lines 15-43).

Regarding claim 12, *Parrish* discloses (**Figs. 25-28; 40**) an apparatus comprising a controller (inherent; see generally Figs 14, 40 and 44) to compensate a radiation sensor for changes in at least one operational characteristic of the sensor due to a temperature variation of the sensor (abstract), the controller dynamically adjusting at least one operating parameter (36 -- DC bias voltage, for example) associated with the radiation sensor (3) or at least one calibration parameter (29, 30 -- gain and offset, for example) associated with the radiation sensor based on the temperature of the sensor (col. 15, lines 15-43).

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert J. Gagliardi whose telephone number is (703) 305-0417. The examiner can normally be reached on Monday thru Friday from 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Albert J. Gagliardi
Examiner
Art Unit 2878

AJG
August 18, 2002